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EXAMINER

GARG, YOGESH C

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/828,976

Applicant(s)

I'ANSON ET AL.

Examiner

Yogesh C. Garg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18,20-35,37-40 and 42-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18,20-35,37-40 and 42-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

9.0-0

DETAILED ACTION

Response to Amendment

1. Applicant's amendment received on 9/13/2004 is acknowledged and entered. The applicant has amended claims 18, 32, 33, 35, 40, 42- 56. The applicant has canceled claims 19, 36 and 41. Currently claims 18, 20-35, 37-40 and 42-56 are pending for examination.

Response to Arguments

2.1. Applicant's arguments regarding rejection of claims 18-22, 24-44, and 46-56 under 35 U.S.C. 101, see Remarks, page 15 filed on 9/13/2004, and further in view of the amendments made to independent claims 18, 35 and 40, filed on 9/13/2004, have been fully considered and are persuasive. The rejection of claims has been withdrawn.

2.2. Applicant's arguments, see Remarks, page 15-17, file don 9/13/2004 and the amendments made to independent claims 18, 35 and 40, filed on 9/13/2004, with respect to rejection of claims 18-56 under 35 USC 112, first paragraph and second paragraph have been fully considered and are persuasive. The rejection of claims has been withdrawn.

2.3. Applicant's arguments filed on 9/13/2004, see Remarks, pages 17-18 have been fully considered but they are not persuasive because the prior art reference Treyz discloses the amended limitations of the independent claims 18, 35 and 40. Treyz does teach " performing an automatic check of data indicative of current status of a transaction when the mobile entity is close to the location, see at least col.38, line 23-col.39, line 48 and figs. 49-50 which explicitly disclose that when the mobile entity, that is handheld computing device 12 is close to an

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identified location, such as laundry store or photographs processing store, an automatic check of data indicative of current status of a transaction, that is if the laundry dropped earlier is ready, if the order placed for processing the photographs is ready, etc. is made and if so then the hand held device is automatically notified. Being ready of laundry or of photographs corresponds to the transaction reaching the predetermined status at which it is appropriate for the user to make a future visit.

2.4. The examiner took Official Notice of both the notoriously old and well-know concept and benefits in the field of retail selling to check if the ordered item is overdue and not available for collection and notifying the first party of such circumstances in rejecting claims 29-30, 32-33, 39, 51-52, and 54-55. For, example if the furniture store or an appliance store finds that the ordered furniture/appliance is overdue and not available for collection they always notify the customer of such circumstances to avoid him an unnecessary trip and disappointment as a part of good customer service. In his response filed on 9/13/2004, the applicant has neither traversed the facts and benefits of the Official Notice, taken by the examiner, adequately nor asked for a documentary evidence. Therefore, as per *MPEP-2144.03 [R-1] C Reliance on Common Knowledge in the Art or "Well Known" Prior Art* -, the common knowledge or well-known facts considered as Official Notice in the art statement is taken to be admitted prior art and the rejection of claims 29-30, 32-33, 39, 51-52, and 54-55 as being obvious over Treyz is maintained.

In view of the above rejection of claims 18, 20-35, 37-40 and 42-56 is sustainable. This is a Final rejection.

4. Note: Citations from references: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although

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the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 18, 20-28, 31, 34-35, 37-38, 40, 42--50, 53 and 56 are rejected under 35

U.S.C. 102(e) as being anticipated by Treyz et al. (US Patent 6,587,835 B1); hereinafter, referred to as Treyz.

Regarding claim 18, Treyz discloses a notification method concerning a transaction being effected between a mobile first party and a second party having associated premises (see at least col.41, line52-col.46, line 34. See also col.58, line 61-col.66, line 34.), the method comprising:

(a) storing first data that concerns a future visit of the first party to the premises and explicitly or implicitly identifies the parties and location of the premises;

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(b) storing, independently of the first party, second data indicative of the current status of the transaction, said second data being updated by the second party

(For (a) and (b) see at least col.42, lines 46-65 "*..... Illustrative steps involved in sending notification messages to handheld computing devices in a mall or other such establishment are shown in FIG. 63. At step 638, the user is allowed to request a notification from the merchant. If the user requests notification, a computer at the merchant or the like may send the notification to handheld computing equipment 12 over a local or remote wireless link at step 640. Notifications may be sent when clothes are ready at the cleaner, when the user's car is ready (e.g., if the oil was being changed), when prepared-to-order food is ready, when film is ready to be picked up, etc. Such notifications may be sent automatically by tying the transmission of the notifications to the state of certain equipment at the merchant.*" . Note: The data about clothes, user's car, prepared to order food, etc.

corresponds to the first data stored in the merchant's computer against the user's order for which the user will have to make a future visit to pick up the car, clothes, and food and this data implicitly or explicitly identifies the parties and location where a future visit to pick up the car, clothes, and food is to be made. The merchant's computer stores the second data corresponding to the readiness of the ordered items, independently of the of the first party, and this second data is the updated data indicating the readiness of the order. See also col.38, line 23-col.39, line 48 and figs. 49-50 and col.58, line 61-col.66, line 34.);

(c) determining, by using a technical arrangement, when a mobile entity carried by the first the first party is close to said location identified in the first data (see at least col.23, lines 37-56, "*...If desired, the location of handheld computing device 12 and therefore the user may be determined using global positioning system (GPS) satellites, as shown in FIG. 18.....*" , and thereupon automatically checking said stored second data to ascertain whether or not the transaction has reached a predetermined status at which it is appropriate for said future visit to be effected (col.38, line 23-col.39, line 48 and figs. 49-50 which explicitly disclose that when

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the mobile entity, that is handheld computing device 12 is close to an identified location, such as laundry store or photographs processing store, an automatic check of data indicative of current status of a transaction, that is if the laundry dropped earlier is ready, if the order placed for processing the photographs is ready, etc. is made and if so then the hand held device is automatically notified. Being ready of laundry or of photographs corresponds to the transaction reaching the predetermined status at which it is appropriate for the user to make a future visit.

. Also see col. 42, line 29-col.43, line 45, " *Such notifications may be sent automatically by tying the transmission of the notifications to the state of certain equipment at the merchant. For example, a photo processor may electronically indicate when it is finished processing the user's film. At the cleaners, an order may be processed using an electronic tracking system. A notification may be sent to the user when the tracking system indicates that the user's clothes are ready. These are merely illustrative examples. Notifications may be sent to the user based on any suitable criteria.* ". Treyz discloses that checking is done if the ordered product/services is ready for delivery because after that only the notification is sent to the user. Also the tracking system would inherently have data stored about the status of readiness of order and then only it can electronically tie with the transmission of electronic notifications to the user.); and

(d) at least where making the visit is found in step (c) to be appropriate, notifying the first party by a communication passed to said mobile entity over a communication system that making the visit is appropriate (see at least col.38, line 23-col.39, line 48 and figs. 49-50 which explicitly disclose that when the mobile entity, that is handheld computing device 12 is close to an identified location, such as laundry store or photographs processing store, an automatic check of data indicative of current status of a transaction, that is if the laundry dropped earlier is ready, if the order placed for processing the photographs is ready, etc. is made and if so then the hand held device is automatically notified that making the visit is appropriate. Also see, col. 42, line 29-col.43, line 45, " *Such notifications may be sent automatically by tying the*

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transmission of the notifications to the state of certain equipment at the merchant. For example, a photo processor may electronically indicate when it is finished processing the user's film. At the cleaners, an order may be processed using an electronic tracking system. A notification may be sent to the user when the tracking system indicates that the user's clothes are ready. These are merely illustrative examples. Notifications may be sent to the user based on any suitable criteria. " . Note: Here, Treyz discloses that user is notified to make the visit for picking up the ordered item, which satisfies the claimed limitation. See also col.58, line 61-col.66, line 34.).

Regarding claims 20 & 21, The method according to claim 18, wherein said first data is stored by the first party or second party in a third-party service system (see at least col.14, lines 24-41, which discloses that the said first data can be stored at a service provider server corresponding to the claimed third- party service system), the location of the first party being provided to the third-party service system for effecting the determination in step (c) by either the first party or by a location server (see at least col.2, line 66-col.3, line 9 which discloses that the location of the hand held computing device belonging to the first party can be tracked on proximity basis , and notified of special messages for certain events like pick ups of completed orders, etc.. See also col.19, lines 22-53 ([discloses transaction information on a remote server] and col.58, line 61-col.66, line 34.) .

Regarding claim 22, Treyz shows that the method according to claim 18, wherein said first data is stored by the first party in a mobile entity of the first party, the mobile entity providing the location of the first party for the determination carried out in step (c) (See at least col.19, lines 22-53, " *When handheld computing device 12 is used in wireless financial transactions, handheld computing device 12 may retain information on each of the financial transactions. If desired, this financial information may be retained on a remote server or the like. Handheld*

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computing device 12 may also display on-screen options such as options 168 and 170 that allow the user to save the financial transaction information (e.g., information on the \$156.07 purchase in the example of FIG. 11) to either an expense report application or a financial planning application.

.....". "See also col.58, line 61-col.66, line 34.).

Regarding claim 23, Treyz discloses that the method according to claim 18, wherein said first data is stored by the first party in a mobile entity of the first party, the mobile entity receiving short-range wireless signals from the premises of the second party, the receipt of said signals being used in the determination carried out in step (c) to indicate that the first party is near the location of the premises (see at least col.23, lines 36-56, "*If desired, the location of handheld computing device 12 and therefore the user may be determined using global positioning system (GPS) satellites, as shown in FIG. 18. Handheld computing device 12 may receive satellite signals from GPS satellites 246. By analyzing these signals with GPS receiver 248, handheld computing device 12 can determine the location of the user.* ").

Regarding claim 24, Treyz discloses that the method according to claim 18, wherein said second data is stored in a status database maintained by the second party, the status check of step (c) being effected by accessing the status database ((see at least col. 42, line 29-col.43, line 45, "*Such notifications may be sent automatically by tying the transmission of the notifications to the state of certain equipment at the merchant. For example, a photo processor may electronically indicate when it is finished processing the user's film. At the cleaners, an order may be processed using an electronic tracking system. A notification may be sent to the user when the tracking system indicates that the user's clothes are ready. These are merely illustrative examples. Notifications may be sent to the user based on any suitable criteria.* "). Treyz discloses that checking is done if the ordered product/services is ready for delivery because after that only the notification is sent

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to the user. Also the tracking system would inherently have data stored about the status of readiness of order and then only it can electronically tie with the transmission of electronic notifications to the user. See also col.58, line 61-col.66, line 34.)

Regarding claim 25, Treyz discloses that the method according to claim 20, wherein said second data is provided by the second party to the third-party service system and stored therein, the status check of step (c) being effected by accessing said second data stored by the third-party service system (see at least col. 42, line 29-col.43, line 45, “ *Such notifications may be sent automatically by tying the transmission of the notifications to the state of certain equipment at the merchant. For example, a photo processor may electronically indicate when it is finished processing the user’s film. At the cleaners, an order may be processed using an electronic tracking system. A notification may be sent to the user when the tracking system indicates that the user’s clothes are ready. These are merely illustrative examples. Notifications may be sent to the user based on any suitable criteria.* ” . Treyz discloses that checking is done if the ordered product/services is ready for delivery because after that only the notification is sent to the user. Also the tracking system would inherently have data stored about the status of readiness of order and then only it can electronically tie with the transmission of electronic notifications to the user. See also col.58, line 61-col.66, line 34.).

Regarding claim 26, Treyz discloses that the method according to claim 19, wherein the result of the status check of step (c) is reported to the first party whether or not said predetermined status has been reached (see at least col.2, line 66-col.3, line 15, “ *The shopping assistance service may display information on specials. The user may search for desired products, services, and stores at the mall. Various types of messages may be provided to the handheld computing device. For example, a proximity message may be provided. The user may be alerted when a message*

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is received from a nearby merchant. The user may also be alerted to the availability of a special. Messages regarding specials may include interactive features. Messages may be provided to the user to notify the user or to remind the user of certain events. The user may adjust alert settings for various message types. ". Here, Treyz discloses that all types of messages and alerts can be communicated to the user's hand held device , which implies that these messages may relay notifications not related to the predetermined status as claimed in the application. See also col.58, line 61-col.66, line 34.).

Regarding claim 27, Treyz shows that the method according to claim 18, wherein said predetermined status corresponds to the availability for collection at the premises of an item that is a subject of said transaction (see at least col. 42, line 29-col.43, line 45, " *Such notifications may be sent automatically by tying the transmission of the notifications to the state of certain equipment at the merchant. For example, a photo processor may electronically indicate when it is finished processing the user's film. At the cleaners, an order may be processed using an electronic tracking system. A notification may be sent to the user when the tracking system indicates that the user's clothes are ready. These are merely illustrative examples. Notifications may be sent to the user based on any suitable criteria.* " . Treyz discloses that checking is done if the ordered product/services is ready for delivery because after that only the notification is sent to the user. Also the tracking system would inherently have data stored about the status of readiness of order and then only it can electronically tie with the transmission of electronic notifications to the user. See also col.58, line 61-col.66, line 34.).

Regarding claim 28, Treyz discloses that the method according to claim 19, wherein said predetermined status corresponds to the availability for collection at the premises of an item that is a subject of said transaction and wherein the first party is only notified if said status check

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indicates that the item is available for collection (see at least col. 42, line 29-col.43, line 45, “
Such notifications may be sent automatically by tying the transmission of the notifications to the state of certain equipment at the merchant. For example, a photo processor may electronically indicate when it is finished processing the user’s film. At the cleaners, an order may be processed using an electronic tracking system. A notification may be sent to the user when the tracking system indicates that the user’s clothes are ready. These are merely illustrative examples. Notifications may be sent to the user based on any suitable criteria.” . Treyz discloses that checking is done if the ordered product/services is ready for delivery because after that only the notification is sent to the user. Also the tracking system would inherently have data stored about the status of readiness of order and then only it can electronically tie with the transmission of electronic notifications to the user. See also col.58, line 61-col.66, line 34.).

Regarding claim 31, Treyz discloses that the method according to claim 20, wherein the location of the first party is only provided to the third-party service system upon the first party indicating that any match is to be identified (see at least col.2, line 46-col.3, line 15, “*The handheld computing device may display price information.....The user may be alerted when a shopping assistance service is available.....The shopping assistance service may display information on specials. The user may search for desired products, services, and stores at the mall. Various types of messages may be provided to the handheld computing device. For example, a proximity message may be provided. The user may be alerted when a message is received from a nearby merchant. The user may also be alerted to the availability of a special. Messages regarding specials may include interactive features. Messages may be provided to the user to notify the user or to remind the user of certain events. The user may adjust alert settings for various message types.*” . Here, Treyz discloses that all types of messages and alerts can be communicated to the user’s hand held device only when the

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proximity of his hand held device is detected or matched . See also col.58, line 61-col.66, line 34.).

Regarding claim 34, Treyz discloses that the method according to claim 18, wherein step (a) is effected by the second party during an initial visit of the first party to said premises to instigate said transaction see at least col.42, lines 46-65 "*..... Illustrative steps involved in sending notification messages to handheld computing devices in a mall or other such establishment are shown in FIG. 63. At step 638, the user is allowed to request a notification from the merchant. If the user requests notification, a computer at the merchant or the like may send the notification to handheld computing equipment 12 over a local or remote wireless link at step 640. Notifications may be sent when clothes are ready at the cleaner, when the user's car is ready (e.g., if the oil was being changed), when prepared-to-order food is ready, when film is ready to be picked up, etc. Such notifications may be sent automatically by tying the transmission of the notifications to the state of certain equipment at the merchant.*" . Note: The data about clothes, user's car, prepared to order food, etc. corresponds to the first data stored in the merchant's computer against the user's order The merchant's computer stores the second data corresponding to the readiness of the ordered items, independently of the of the first party, and this second data is the updated data indicating the readiness of the order. In order to place orders the user has to provide data to the merchant and that can be done either he visits the party in person or online initially. See also col.58, line 61-col.66, line 34.) .

Regarding claims, 35, 37-38, 40, 42-50, 53 and 56, their limitations are closely parallel to the claims 18, 19-28, 31, and 34 and are therefore analyzed and rejected on the basis of same rationale.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 29-30, 32-33, 39, 51-52, and 54-55 are rejected under 35 U.S.C. 103(a) as being obvious over and further in view of Official Notice.

Regarding claim 29, Treyz discloses notification method concerning a transaction being effected between a mobile first party and a second party, having associated premises as analyzed and discussed in claim 19 above. Treyz further discloses that the method according to claim 19, wherein said predetermined status corresponds to the availability for collection at the premises of an item that is a subject of said transaction and wherein said first data includes date data specifying an expected date when the item will be available for collection, and wherein step (c) further comprises checking whether or not the item is ready and notifying the first party of such circumstances (see at least col. 42, line 29-col.43, line 45, "*Such notifications may be sent automatically by tying the transmission of the notifications to the state of certain equipment at the merchant. For example, a photo processor may electronically indicate when it is finished processing the user's film. At the cleaners, an order may be processed using an electronic tracking system. A notification may be sent to the user when the tracking system indicates that the user's clothes are ready. These are merely illustrative examples. Notifications may be sent to the user based on any suitable criteria.*" . Treyz discloses that checking is done if the ordered product/services is ready for delivery because after that only the notification is sent to the user. Also the tracking system would inherently have data stored about the status of readiness of order and then only it can

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electronically tie with the transmission of electronic notifications to the user. See also col.58, line 61-col.66, line 34.). Treyz does not disclose during the step of checking that if the item is overdue and not available for collection and notifying the first party of such circumstances. The examiner takes the Official Notice of both the notoriously old and well-know concept and benefits in the field of retail selling to check it the ordered item is overdue and not available for collection and notifying the first party of such circumstances. For, example if the furniture store or an appliance store finds that the ordered furniture/appliance is overdue and not available for collection they always notify the customer of such circumstances to avoid him an unnecessary trip and disappointment as a part of good customer service. In view of the Official Notice, it would have been obvious to one of an ordinary skill in the art at the time of the applicant's invention to have modified Treyz to incorporate the feature of Official Notice to check it the ordered item is overdue and not available for collection and notifying the first party of such circumstances because it will help the merchants to avoid embarrassment and criticism from the customers for not informing him in time to avoid an unnecessary trip and disappointment as exemplified above.

Regarding claim 30, Treyz discloses a notification method concerning a transaction being effected between a mobile first party and a second party, having associated premises as analyzed and discussed in claim 19 above. Treyz further discloses that method according to claim 19, wherein said predetermined status corresponds to the availability for collection at the premises of an item that is a subject of said transaction and wherein the first party is notified that said item is available for collection, (see at least col. 42, line 29-col.43, line 45, " *Such notifications may be sent automatically by tying the transmission of the notifications to the state of certain equipment at the merchant. For example, a photo processor may electronically indicate when it is*

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finished processing the user's film. At the cleaners, an order may be processed using an electronic tracking system. A notification may be sent to the user when the tracking system indicates that the user's clothes are ready. These are merely illustrative examples. Notifications may be sent to the user based on any suitable criteria. " . Treyz discloses that checking is done if the ordered product/services is ready for delivery because after that only the notification is sent to the user. Also the tracking system would inherently have data stored about the status of readiness of order and then only it can electronically tie with the transmission of electronic notifications to the user. See also col.58, line 61-col.66, line 34.).

Treyz does not disclose that the first party, on being notified of the readiness of the item to be collected notifies the second party of a planned collection time. The examiner takes the Official Notice of both the notoriously old and well-know concept and benefits, in the field of retail selling and buying, of informing a second party of a planned collection time. It is well known that when a customer places an order either for home delivery or pick up, for example furniture or glasses, then he, as a first party, when informed of the readiness of the order, confirms his acceptance for home delivery or for pick up of the ordered item at an approximate date and time as per his convenience. In view of the Official Notice, it would have been obvious to one of an ordinary skill in the art at the time of the applicant's invention to have modified Treyz to incorporate the feature of Official Notice that the first party as a buyer notifies the second party the merchant or a third party of a planned collection time because it will help the merchants to schedule the pick up without any ambiguity.

Regarding claims 32-33, Treyz discloses a notification method concerning a transaction being effected between a mobile first party and a second party, having associated premises and also storing data in a third party system as analyzed and discussed in claims 20-21. Treyz further discloses that the second party is given no indication of the location of the first party by

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the third-party service system (see at least col.30 lines 2-22 which teaches providing services to the user through a remote service provider server and this service provider can detect the location of the user by detecting the location of the hand held computing device when it is in the proximity of a particular mall, merchant, store that is the premises, see col.38, lines 23-65 to inform him about a particular event such as a special sale, advertisement, pick-up of an item, movie, etc. without giving any indication of the location to the second party, that is the merchant.). Treyz does not disclose that third party service system informs/notifies the second party that a match between the locations and parties of the first and second parties that is the desired user has been spotted on arriving in the proximity of the identified location of the second party and the first party is notified by a message about this event. The examiner takes an Official Notice about the notoriously well-known concept and benefits of notifying the manufacturer/advertiser /merchant/ by the service provider about conveying of the advertisements or messages meant to be conveyed to the consumers on their behalf by the users for their information and satisfaction as per the contractual terms between manufacturer/advertiser/merchant/ and the service provider. In view of the Official Notice, it would have been obvious to one of an ordinary skill in the art at the time of the applicant's invention to have modified Treyz to incorporate the feature of Official Notice of informing/notifying the second party that a said match between the locations and parties of the first and second parties meaning the desired user has been spotted and notified of a message about an event because it will help the merchants/advertisers to know that the service provider has taken the necessary action as per the contractual terms as exemplified above.

Regarding claims, 39, 51-52 and 54-55, their limitations are closely parallel to the claims 29-30 and 32-33 and are therefore analyzed and rejected on the basis of same rationale.

Conclusion

7. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

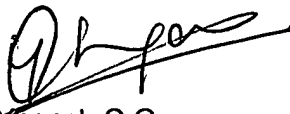
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Yogesh C Garg
Primary Examiner
Art Unit 3625

YCG
June 21, 2005